

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-cv-01074-P

PLAINTIFFS' NOTICE

Plaintiffs file this notice to clarify the record about United's motion to compel. *See* Mot. to Compel (ECF No. 171). In that motion (at 17), United states that the parties have conferred about "the relief requested in this Motion" and that "[n]o agreements could be reached[.]" That is inaccurate. True, the parties participated in a single call last month and exchanged one set of letters discussing the scope of United's discovery requests and Plaintiffs' objections to several such requests. However, the last communication was Plaintiffs' May 1 letter, which closed by inviting United to narrow the scope of its requests. *See* ECF No. 172 at 288.

In the two weeks since that letter, United never responded or indicated that it would no longer confer and would instead file a motion to compel. Considering that the parties had each compromised on certain requests and objections, Plaintiffs were surprised that United filed a motion to compel without conferring further and without requesting Plaintiffs' position on such a motion. The premature nature of the motion is underscored by United's statement (at 1) that it is "further narrowing its requests" "[i]n this motion." But the parties clearly have not conferred about

that “further narrowing.”¹ Accordingly, Plaintiffs file this notice to clarify the record about United’s statement that the parties conferred about the relief United requests in its motion.

May 16, 2023

Respectfully submitted,

/s/ John C. Sullivan

John C. Sullivan
Texas Bar No. 24083920
David Austin R. Nimocks
Texas Bar No. 24002695
S|L LAW PLLC
610 Uptown Boulevard, Suite 2000
Cedar Hill, TX 75104
Telephone: (469) 523-1351
Facsimile: (469) 613-0891
john.sullivan@the-sl-lawfirm.com

/s/ Mark R. Paoletta

Mark R. Paoletta*
D.C. Bar No. 422746
Gene C. Schaerr*
D.C. Bar No. 416368
Brian J. Field*
D.C. Bar No. 985577
Cristina Martinez Squiers
Texas Bar No. 24093764
Kenneth A. Klukowski
D.C. Bar No. 1046093
Joshua J. Prince*
D.C. Bar No. 1685532
Annika Boone Barkdull*
Utah Bar No. 17176
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
Telephone: (202) 787-1060
Facsimile: (202) 776-0136
mpaoletta@schaerr-jaffe.com

*Admitted *pro hac vice*

¹ Moreover, had United conferred with Plaintiffs about the requested relief, they would have clarified for United that its motion sought an order compelling Plaintiffs to respond to several document requests for which Plaintiffs had already provided responsive records. Accordingly, it is not accurate that the parties “could [not] reach[]” an “agreement[]” about those requests.

CERTIFICATE OF SERVICE

On May 16, 2023, I filed the foregoing document with the clerk of court for the United States District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) (ECF System).

/s/ Brian J. Field

Brian J. Field

*Counsel for Plaintiffs
and the Proposed Class*